



## ***Association For Electronic Health Care Transactions***

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### **Washington Wire 11 / 10**

### **HIPPA will be amended in 2001!!!**

Blue Cross Blue Shield Association has asked for a four year delay.

American Public Human Services Association for state Medicaid programs asked Congress to amend the Act to grant states a period of up to four years, i.e. August 2004, to implement this standard. HIAA asked Congressman Hobson to "...consider a longer time frame for implementing all of the Administrative Simplification standards...".

### **Hobson's staff sees some reason in the HIAA request.**

Once Administrative Simplification is opened for amendment of any kind, then every word / nuance in Administrative Simplification is exposed to the possibility of amendment.

Some of these efforts may be to seek a delay in the HIPAA compliance dates. Other efforts will surely seek to amend the substance of the administrative simplification provisions of HIPAA.

### **Fixes that may need to be made to law or regulations**

Now as we continue to move through the actual implementation of HIPAA standards, the regulations and the "administrative simplification" provisions of HIPAA will get a much closer "operational" scrutiny. Implementers of the HIPAA provisions will surely encounter hitherto unforeseen problems that may require changes to the regulations or the legislation

AFEHCT is very vigorous in its support of the 'administrative simplification provisions of HIPAA. AFEHCT is "the" health care EDI / e-commerce / internet 'industry action group' that will aggressively lobby Congress and HHS in your behalf, representing the real needs of the industry.

We want to be ready for any such eventuality. We need your help!

AFEHCT would deeply appreciate it if you would share with us

1. your identification of provisions of the regulations or the legislation that need modification; and
2. your recommendations on how to make those provisions more workable.
- 3.

Please share your thoughts on such matters with Tom Gilligan at 202 244 6450 or [afehct@aol.com](mailto:afehct@aol.com).

## **Other Issues on the 2001 Agenda Affecting The Health Care EDI / e-commerce / internet industry**

Other issues on Congress's agenda for 2001 will include health care privacy legislation, internet privacy legislation, and Medicare legislation. On the HCFA / HHS agenda:

### **Implementation of HIPAA**

- privacy final rule
- security final rule
- the remainder of the Admin Simp provisions
- "enforcement" HHS's efforts to write enforcement regulations for administrative simplification including privacy

HCFA's Internet Security policies

Medicare / Medicaid EDI / e-commerce issues

## **Privacy as a Political Campaign Issue**

In the Washington DC area there are 2 senate races and 8 congressional races. Only Sen. Paul Sarbanes (D MD) and Rep. James P. Moran (D VA) used the issue in their campaign ads. And since both were shoo-ins for reelection the ads only appeared two or three times. I asked AFEHCT members and the hipaalive list serve for feedback if anyone saw such ads elsewhere in the country. So far no such ads were seen in Alabama, Kentucky, Mississippi, New York., Pennsylvania, South Carolina, Texas, Utah, Washington(state), or Wisconsin.

Gore only made reference to medical privacy once in the campaign.

Will have this have any affect on the sense of urgency to get out the final rule on privacy?

## **The Role of Clearinghouses under HIPAA: Towards Authoritative Answers**

There is still quite a bit of confusion about the role of clearinghouses under HIPAA. This is evidenced by the Q / A going across listserves such as hipaalive sponsored by Phoenix Health Systems.

There is clearinghouse as we in the industry know it. There is clearinghouse as it is defined in the statute. And there is clearinghouse as it is defined in the final rule on transaction standards (which we support). But they are not one in the same.

Some of the questions have focused on

Can providers send transactions that don't have all the standard data elements, or can the clearinghouse compute missing data elements from available data

If a provider and a payer contract with the same clearinghouse does the clearinghouse have to convert a nonstandard transaction to a standard transaction somewhere in the process?

Some of the responses have been excellent, others have been less so.

In the spirit of getting authoritative answers about the role of clearinghouses under HIPAA,

AFEHCT has decided to put an exhaustive list of question about the role of clearinghouses under HIPAA (developed under AFEHCT's aegis) to the [HIPAA-QUESTION@list.nih.gov](mailto:HIPAA-QUESTION@list.nih.gov) at the DHHS Administrative Simplification web site, in the hopes that HHS staff will to provide authoritative answers.

Mark McLaughlin, Regulatory Policy Analyst at McKessonHBOC has agreed to lead the building of this authoritative list. If you wish to contribute to this effort, you may contact him at

[Mark.Mclaughlin@itb.mckhboc.com](mailto:Mark.Mclaughlin@itb.mckhboc.com) or  
(319) 557-3654 phone  
(319) 557-3334 fax

### **Just To Add To The Confusion**

Not only are the results of the Presidential election up in the air, the Chairmanships of each of the Congressional Committees that will deal with HIPAA will change hands in January. The professional staffs of those committees will change as well.

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